

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, JANUARY 30, 2013
9:00 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 209
Līhu'e, Kaua'i, Hawai'i 96766

RECEIVED

'13 JAN 24 P3:18

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. December 18, 2012 Special Council Meeting

E. CONSENT CALENDAR:

1. C 2013-47 Communication (01/07/2013) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases, for Fiscal Year 2012-2013, pursuant to Section 17, Ordinance No. B-2012-736, the Fiscal Year 2012-2013 Operating Budget of the County of Kaua'i.
2. C 2013-48 Communication (01/11/2013) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal, relating to Agenda Item C 2013-44, a request for an extension to the License Agreement between the Boys & Girls Club of Hawai'i and the County of Kaua'i, as she is the Vice President of the Boys & Girls Club of Hawai'i, Kaua'i Branch Advisory Board.
3. C 2013-49 Communication (01/15/2013) from the Executive on Transportation, transmitting for Council consideration, a Resolution accepting and endorsing the Multimodal Land Transportation Plan as a Policy Guideline for the County of Kaua'i. (*See Resolution No. 2013-33*)

4. C 2013-50 Communication (01/17/2013) from the Council Chair, transmitting for Council consideration a Resolution confirming Council Appointee Dorothea K. Hayashi to the Public Access, Open Space, and Natural Resources Preservation Fund Commission (Hanapēpē – ‘Ele‘ele). *(Copy of application on file in the Clerk’s Office.) (See Resolution No. 2013-32)*
5. C 2013-51 Communication (01/22/2013) from Council Vice Chair Nakamura, providing written disclosure of a possible conflict of interest and recusal, relating to Agenda Item C 2013-46, a request to approve of the Indemnification Provisions contained in the Kaua‘i Island Utility Cooperative (KIUC) Interconnection Agreement, Schedule “NEM Pilot” for the County Renewable Energy Projects, due to her husband’s law firm’s work with KIUC.
6. C 2013-52 Communication (01/18/2013) from Council Vice Chair Nakamura and Councilmember Bynum, transmitting for Council consideration, a Proposed Bill for an Ordinance Amending Section 19-1.4, Kaua‘i County Code 1987, As Amended, Relating to Parks and Recreation. *(See Proposed Draft Bill (No. 2463))*
7. C 2013-53 Communication (01/24/2013) from Council Vice Chair Nakamura, transmitting for Council consideration, a Bill For An Ordinance to Amend Chapter 8, Kaua‘i County Code 1987, As Amended, Relating to the Comprehensive Zoning Ordinance. *(See Proposed Draft Bill (No. 2464))*

F. COMMUNICATIONS:

1. C 2013-38 Communication (12/10/2012) from the Director of Finance, requesting Council approval to dispose of government records in the Department of Finance, Accounting Division, pursuant to Hawai‘i Revised Statutes (HRS) 46-43(c) and Resolution No. 49-86 (1986), as amended. The reports and records have met the seven (7) and ten (10) year retention periods:
- (1) Seven (7) Year retention:
 - Cash Receipts: 2002 to, and including June 30, 2005,
 - Payroll checks: 2004 to, and including June 30, 2005,
 - Accounts Payable cancelled checks: 2003 to, and including June 30, 2005,
 - Accounts Payable Registers: 2004 to, and including June 30, 2005,
 - Inventory Files: 2003 to, and including June 30, 2005.
 - (2) Ten (10) Year retention:
 - Accounts Payable: November 2001 to, and including June 30, 2002.
- (Deferred 01/17/2013)*

2. C 2013-54 Communication (01/10/2013) from the Fire Chief, requesting Council approval to apply, receive, and expend the 2013 State of Hawai'i, Department of Transportation, Highway Safety Grant funds in the amount of \$11,266.88 for nine (9) Safety Light Power Flare Sets, one hundred thirty-eight (138) UVEX Ignite Safety Glasses, and Hybrid Vehicle Extrication Training. Equipment and training will be used to ensure scene safety and to provide firefighters with tools necessary to safely mitigate a vehicle accident.
3. C 2013-55 Communication (01/14/2013) from the Housing Director, requesting Council approval to decline the County's option to repurchase Unit No. 1, Villas at Pū'ali, located at 1911 Haleukana Street, Līhu'e, Hawai'i 96766, and to grant the owner a one-year waiver of the buyback and allow the market sale of the unit.
4. C 2013-56 Communication (01/14/2013) from the Housing Director, requesting Council approval to exercise its first option to repurchase Unit No. 604, Hookena at Puhi, located at 2080 Manawalea Street, Līhu'e, Hawai'i for \$180,000.00, resell the property for \$160,000.00 or appraised value, whichever is lower, and authorize the County Clerk to sign legal documents related to the repurchase and resale transactions.
5. C 2013-57 Communication (01/15/2013) from the County Engineer, requesting agenda time for the County's consultant AECOM to provide an update on the status of the development of the proposed landfill and Resource Recovery Park.
6. C 2013-58 Communication (01/15/2013) from the Director of Economic Development, requesting Council approval to accept donations of assorted utensils, cloth napkins, dishes, and mugs from the Kaua'i Coast Resort at the Beachboy, The Cliffs at Princeville, and County employees Emily Medeiros, Sarah Blane and Glenn Sato. Donations will be used to create "loaner kits" that Offices can use for workshops and parties in order to support the County's Green Team Disposables to Reusable Campaign.
7. C 2013-59 Communication (01/15/2013) from the County Engineer, requesting Council approval to receive a donation of asphalt paving valued at approximately thirty-five thousand dollars (\$35,000.00) from Jas. W. Glover, Ltd. The donation will be used to resurface approximately four hundred and thirty-five feet (435') of roadway approximately sixteen feet (16') wide by laying down one inch (1") leveling course, followed by a one and a half inch (1-½") resurfacing course on Keālia Road, Anahola, in the vicinity of the Jas W. Glover, Ltd., concrete batch plant.
8. C 2013-60 Communication (01/18/2013) from the County Attorney, requesting authorization to expend funds of up to \$20,000.00 for Special Counsel's continued services provided in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court), and related matters.

9. C 2013-61 Communication (01/23/2013) from the County Attorney, requesting authorization to expend funds up to \$25,000.00 to retain Special Counsel to represent the County of Kaua'i in Jeffery Sampoang vs. Harvey Brothers, LLC; et al., Civil No. 12-1-0294 JKW (Fifth Circuit Court), and related matters.

G. LEGAL DOCUMENTS:

1. C 2013-46 Communication (12/26/2012) from the County Engineer, requesting Council approval of the Indemnification Provisions contained in the Kaua'i Island Utility Cooperative (KIUC) Interconnection Agreement, Schedule "NEM Pilot" for County Renewable Energy Projects. (*Deferred 01/17/2013*)

H. CLAIMS:

1. C 2013-62 Communication (01/11/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Brian Barcelona for medical bills and loss of income, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:

1. FINANCE & ECONOMIC DEVELOPMENT (TOURISM / VISITOR INDUSTRY / SMALL BUSINESS DEVELOPMENT / SPORTS & RECREATION DEVELOPMENT / OTHER ECONOMIC DEVELOPMENT AREAS) COMMITTEE:

- a. **CR-FED 2013-02:** on FED 2013-01 Communication (12/21/2012) from Councilmember Bynum, requesting the presence of the Director of Finance and the Deputy Director of Finance, to provide an update on the progress of various Departments' and Agencies' corrective actions and projected completion dates as it relates to the findings outlined in the Single Audit Report and Management Advisory Report for the Fiscal Year Ended June 30, 2012. The Department/Agency will be addressed in the following order:
- a. Housing Agency
 - b. Transportation Agency
 - c. Department of Public Works, Wastewater Division
 - d. Department of Finance
- [Received for the Record.]**

J. RESOLUTIONS:

1. Resolution No. 2012-55, RESOLUTION ESTABLISHING NO PARKING AT ANY TIME ALONG PORTIONS OF PO'IPŪ ROAD IN THE KŌLOA DISTRICT *(Deferred 01/17/2013)*

2. Resolution No. 2013-12, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (Ross A. Nakashima) *(Deferred pending Interview on 01/17/2013)*

3. Resolution No. 2013-32, RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND COMMISSION (Dorothea K. Hayashi)

4. Resolution No. 2013-33, RESOLUTION ACCEPTING AND ENDORSING THE MULTIMODAL LAND TRANSPORTATION PLAN AS A POLICY GUIDELINE FOR THE COUNTY OF KAUAI

K. BILLS FOR FIRST READING:

1. Proposed Draft Bill (No. 2463) - A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PARKS AND RECREATION

2. Proposed Draft Bill (No. 2464) - A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE

L. EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-7(a), the Council may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

1. ES-591 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide Council with a briefing and request for authority to settle a claim against the County by Rebecca Vogt, filed on September 18, 2012, and referenced in Civil No. 12-1-0273 JRV (Fifth Circuit Court), as Rebecca Vogt vs. County of Kaua'i, Office of the Prosecuting Attorney, et al., and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

2. ES-592 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(e) of the Kaua'i County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
 3. ES-593 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(e) of the Kaua'i County Charter, the Office of the County Attorney requests an executive session with the Council to provide the Council with a briefing on the retention of special counsel to represent the County of Kaua'i in Jeffery Sampoang vs. Harvey Brothers, LLC; et al., Civil No. 12-1-0294 JKW (Fifth Circuit Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
- M. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'Ē, KAUA'I. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.